

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ALLIANCE FOR AUTOMOTIVE  
INNOVATION

Plaintiff,

vs.

ANDREA JOY CAMPBELL, ATTORNEY  
GENERAL OF THE COMMONWEALTH OF  
MASSACHUSETTS in her official capacity,

Defendant.

C.A. No. 1:20-cv-12090-DPW

**JOINT STATUS REPORT**

Pursuant to the Court’s February 22, 2023 order, Plaintiff Alliance for Automotive Innovation (“Auto Innovators”) and Defendant Andrea Joy Campbell, Attorney General of Massachusetts (the “Attorney General”),<sup>1</sup> respectfully submit this Joint Status Report.

In January 2023, the Court ordered that Auto Innovators may conduct certain additional discovery from the Auto Care Association (“ACA”) (ECF No. 318), and Auto Innovators thereafter issued a document subpoena and deposition subpoena to ACA. ACA produced certain documents in response to Auto Innovators’ document subpoena. ACA moved for a protective order with respect to Auto Innovators’ deposition subpoena (ECF No. 321), but after Auto Innovators filed its opposition to that motion (ECF No. 324), Auto Innovators and ACA stipulated to hold a deposition of Aaron Lowe in lieu of a 30(b)(6) deposition of ACA (ECF No. 327). On February

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<sup>1</sup> On March 7, 2023, the Attorney General filed a notice informing the Court that because the named defendant in this action is the Attorney of General of Massachusetts (in her official capacity), the new Attorney General of Massachusetts, Andrea Joy Campbell, has been substituted as the defendant pursuant to Federal Rule of Civil Procedure 25(d). ECF No. 329.

22, 2023, the Court took the hearing on ACA's motion off the calendar and ordered the parties to file a joint status report on or before March 31, 2023. ECF No. 328.

Since the Court's February 22 Order, two substantive developments have occurred in this action. First, on March 7, 2023, the Attorney General filed a Notice of Intent to Terminate Non-Enforcement Stipulation informing this Court that the Attorney General plans to terminate the non-enforcement stipulation effective June 1, 2023, and that the Attorney General will issue the notice required by Section 4 of the Data Access Law shortly thereafter. ECF No. 330. Second, on March 20, 2023, Auto Innovators conducted the deposition of Aaron Lowe.

The parties propose that (a) on or before April 7, 2023, Auto Innovators submit a brief of ten pages or less providing its view of the impact of Mr. Lowe's testimony and the additional documents produced by ACA with respect to the Data Access Law and enforcement thereof, and (b) on or before April 14, 2023, the Attorney General submit a brief of ten pages or less in response to Auto Innovators' brief.

Dated: March 31, 2023

Respectfully submitted,

PLAINTIFF ALLIANCE FOR  
AUTOMOTIVE INNOVATION,

By its attorneys,

*/s/ Laurence A. Schoen*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on March 31, 2023.

/s/ Laurence A. Schoen

Laurence A. Schoen